

Box AF  
Assistant Commissioner  
for Patents  
Washington, D.C. 20231

**AMENDMENT AND REQUEST FOR  
RECONSIDERATION UNDER 37 C.F.R. §1.116**

Dear Sir:

In response to the Final Official Action dated August 12, 2002, please amend the above-identified patent application as follows:

In the claims:

Please amend claim 37, as follows:

37. (Twice Amended) An isolated pesticidal agent which is an extracellular proteinaceous material obtainable from a *Xenorhabdus nematophilus* species and which is encoded by the nucleotide sequence of Figure 2 (SEQ ID No 1) or encoded by a variant obtained from *Xenorhabdus nematophilus*, the sequence of said variant hybridizing with said sequence of Figure 2 under stringent conditions, said proteinaceous material having toxic activity when administered orally to an insect.

A marked-up version of amended claim 37 is attached.